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P.O. Box 27052
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October 2, 2007

Mr. Warren Paschal
General Shale
1600 Colon Road
Sanford, NC 27330

Subject: Clarification of August 15, 2007 letter for Conditional Use Permit

Dear Warren:

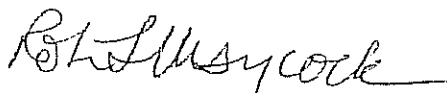
In my hurry to get you the information you needed, it seems I have left a few things unclear. First, the letter that I sent you on August 15, 2007, on the proposed permit modification of Brickhaven No. 2 mine was not dated. I apologize for this oversight. Please consider the letter as dated on August 15, 2007.

Furthermore, the letter discussed the jurisdictional nature of the streams on the parcels under review for your conditional use permit and proposed mine expansion. On Site D (72 acres) I referred to an "upland stormwater conveyance" as an "ephemeral/intermittent drainage feature" which I observed on the southeast side of the parcel. Since this feature was not shown as a "blue line" on the USGS topographic quadrangle map or as an intermittent stream feature on the USDA NRCS soils map, I did not perform a stream determination at the time, as it would not have been considered subject to the riparian buffer rules. However, I should not have referred to it as "ephemeral/intermittent". I have attached both maps for your records, as well as the completed DWQ Stream Determination form. A "x" at the point where it was evaluated shows the stream location.

In order to alleviate any concerns on this issue, I revisited the site on October 1, 2007, and did perform a field evaluation on the stream channel at the lowest point where it exited the site. I believe that this feature has been ditched in the past and would qualify as a modified ephemeral channel. Based on the DWQ Stream Determination guidelines (Version 3.1, effective date Feb 28, 2005) the channel in question scored only a 12, which indicates that it is not intermittent in nature. It should not be considered as subject to the Chatham County watershed protection rules, and does not require protection as an intermittent stream.

I hope that this letter clears up any questions you may have on this project. Please contact me if you need any more information at (919) 418-7645.

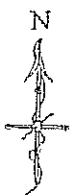
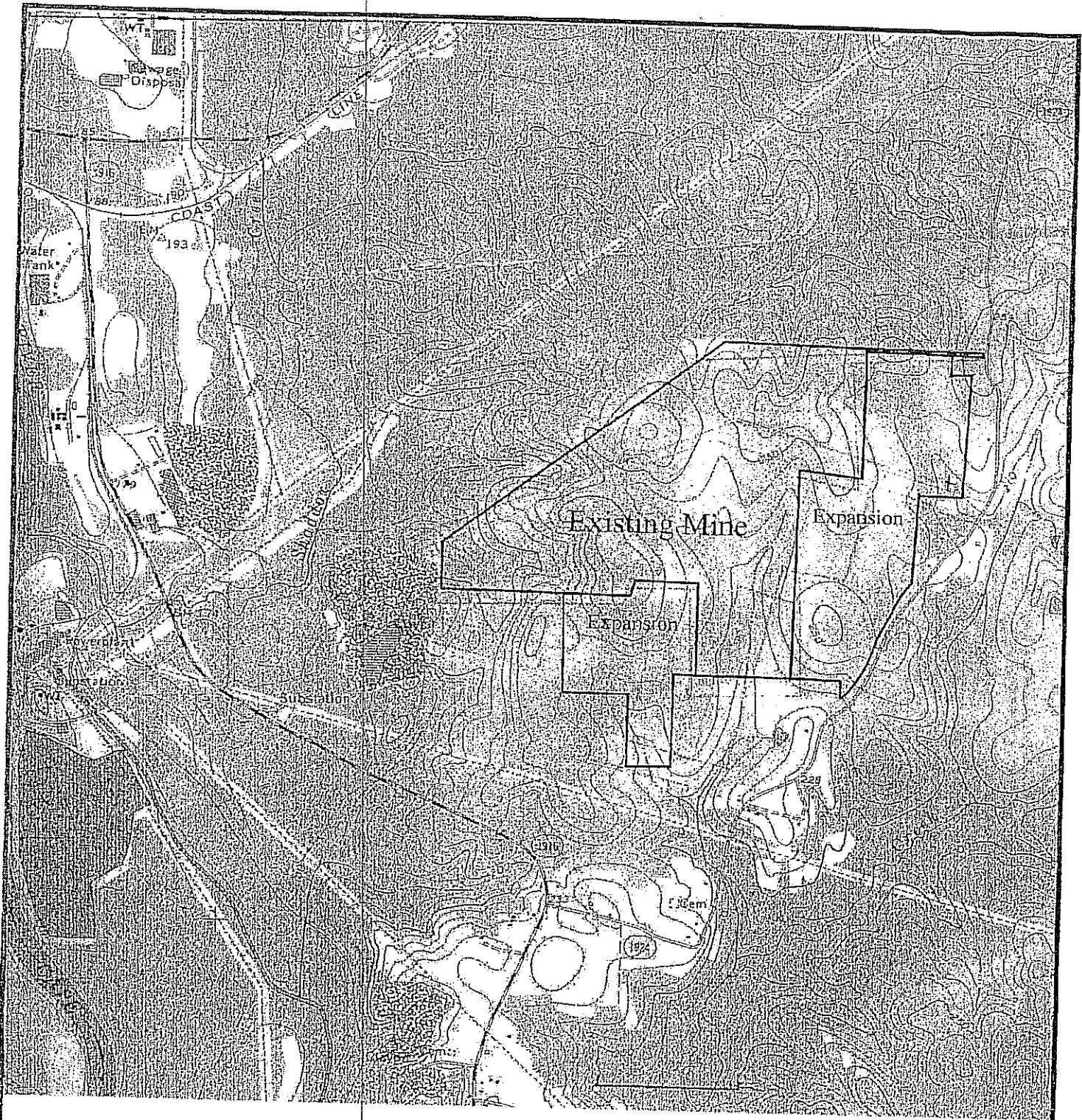
Sincerely,



Robin L. Maycock

Cc: Nick Robinson





1 in. = 2000 ft.



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SCIENCE COMPANY

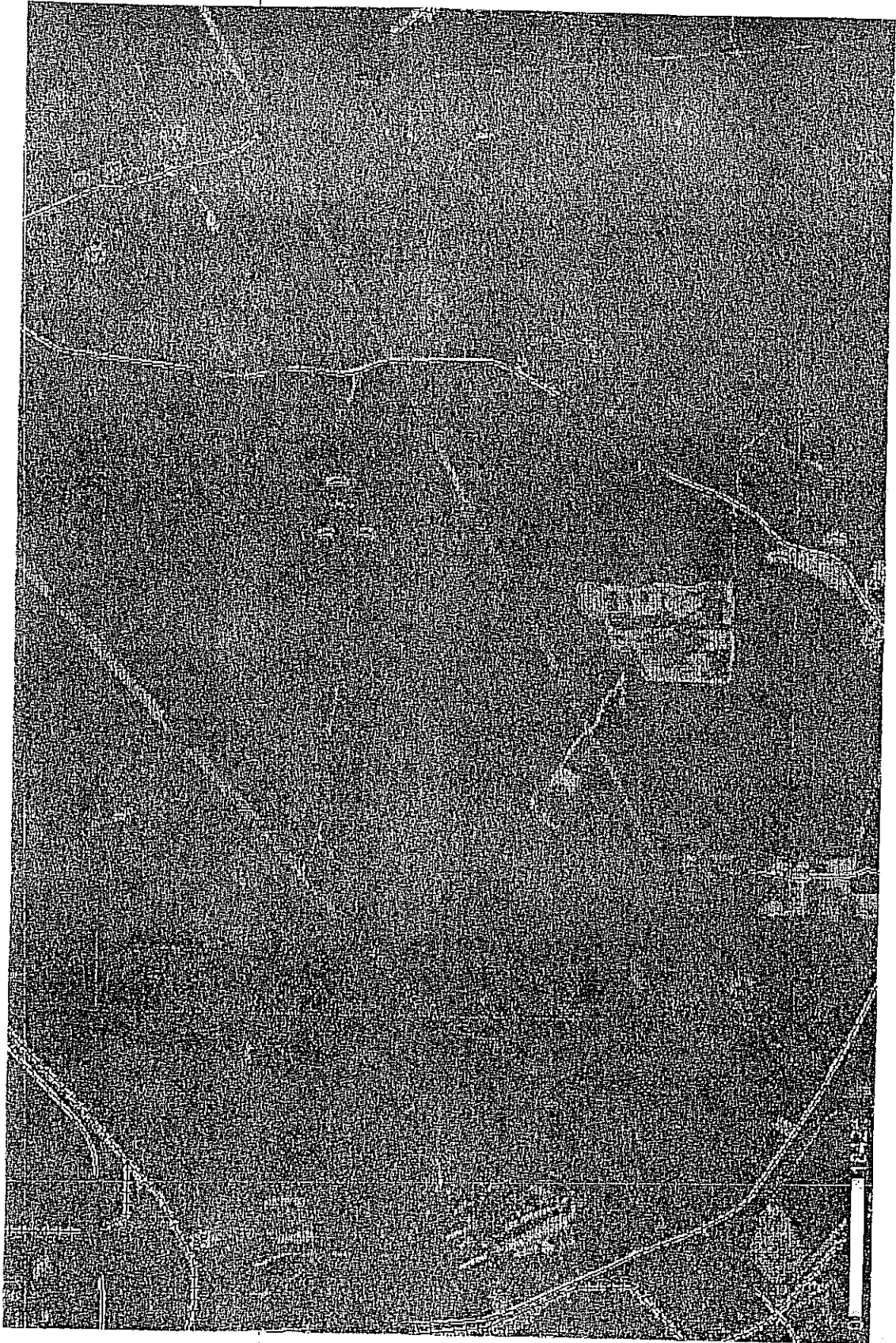
3008 ANDERSON DR., SUITE 102
RALEIGH, NORTH CAROLINA 27609

(919) 781-7788

General Shale
Brickhaven #2 Mine
Chatham County, NC

DATE:
3/6/07

FIGURE NO.
1



North Carolina Division of Water Quality - Stream Identification Form; Version 3.1

Date: 10/01/07 Project: General Shale Latitude: _____
 Evaluator: RL. Maycock Site: Brickhaven #2 Longitude: _____
 Total Points: _____ County: Chatham Other: _____
Stream is at least intermittent if ≥ 19 or perennial if ≥ 30 12.0 e.g. Quad Name: MSH 009E

A. Geomorphology (Subtotal = 5.5)

	Absent	Weak	Moderate	Strong
1 ^a . Continuous bed and bank	0	1	2	3
2. Sinuosity	0	1	2	3
3. In-channel structure: riffle-pool sequence	0	1	2	3
4. Soil texture or stream substrate sorting	0	1	2	3
5. Active/relic floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Braided channel	0	1	2	3
8. Recent alluvial deposits	0	1	2	3
9 ^a . Natural levees	0	1	2	3
10. Headcuts	0	1	2	3
11. Grade controls	0	0.5	1	1.5
12. Natural valley or drainageway	0	0.5	1	1.5
13. Second or greater order channel on existing USGS or NRCS map or other documented evidence.	No = 0		Yes = 3	

^a Man-made ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 1.0)

14. Groundwater flow/discharge	0	1	2	3
15. Water in channel and > 48 hrs since rain, or Water in channel -- dry or growing season	0	1	2	3
16. Leaf litter	1.5	1	0.5	0
17. Sediment on plants or debris	0	0.5	1	1.5
18. Organic debris lines or piles (Wrack lines)	0	0.5	1	1.5
19. Hydric soils (redoximorphic features) present?	No = 0		Yes = 1.5	

C. Biology (Subtotal = 5.5)

20 ^b . Fibrous roots in channel	3	2	1	0
21 ^b . Rooted plants in channel	3	2	1	0
22. Crayfish	0	0.5	1	1.5
23. Bivalves	0	1	2	3
24. Fish	0	0.5	1	1.5
25. Amphibians	0	0.5	1	1.5
26. Macroinvertebrates (note diversity and abundance)	0	0.5	1	1.5
27. Filamentous algae; periphyton	0	1	2	3
28. Iron oxidizing bacteria/fungus.	0	0.5	1	1.5
29 ^b . Wetland plants in streambed	FAC = 0.5; FACW = 0.75; OBL = 1.5 SAV = 2.0; Other = 0			

^b Items 20 and 21 focus on the presence of upland plants, Item 29 focuses on the presence of aquatic or wetland plants.

Notes: (use back side of this form for additional notes.)

Sketch:

modified ephemeral channel,
 above 30" RCP, located just north
 of end of paved road.

